

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

CATHY WELCH, Administrator of the)
Estate of G.W., R.H., T.W., T.F., D.H.,)
B.C., and A.L., by Next Friend Norma)
Labounty,)
Plaintiffs,)

v.)

Civil Action No. 5:21-cv-00283

KENNETH SCHATZ, KAREN SHEA,)
CINDY WOLCOTT, BRENDA GOOLEY,)
JAY SIMONS, KEVIN HATIN, ARON)
STEWART, MARCUS BRUNNELL,)
JOHN DUBUC, WILLIAM CATHCART,)
BRYAN SCRUBB, NICHOLAS WEINER,)
DAVID MARTINEZ, CAROL RUGGLES,)
TIM PIETTE, DEVIN ROCHON, AMELIA)
HARRIMAN, MELANIE D'AMICO,)
EDWIN DALE, ERIN LONGCHAMP,)
CHRISTOPHER HAMLIN, and)
ANTHONY BRICE, all in their individual)
capacities,)
Defendants.)

STIPULATED MOTION TO ALTER JUDGMENT OF MARCH 6, 2023

The parties hereto, through the undersigned counsel, stipulate and jointly move the Court, pursuant to USCS Fed Rules Civ Proc R 59(e), to alter the judgment of March 6, 2023, whereby the Court stated: “In the absence of a stipulation to dismiss, the court DISMISSES the case without prejudice to plaintiffs’ right to refile the amended complaint at any time within the next 120 days without paying an additional filing fee.” *Order Dismissing Case, Document 89*. The parties seek a dismissal with prejudice and a termination of Plaintiffs’ right to refile.

Pursuant to Rule 59(e), “A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.” *Id.* Pursuant to USCS Fed Rules Civ Proc R 7(b), the

parties request that the order be altered because they were not provided an opportunity to be heard on the issues before Document 89 was issued. As such, the dismissal is inconsistent with the parties' agreement. Thus, the parties request that the Honorable Court, pursuant to Rule 59(e), alter the order, consistent with the proposed stipulated order, attached hereto.

WHEREFORE, the parties respectfully request that the Court grant the proposed order.

DATED at Springfield, Vermont, this 21st day of March, 2023.

BOXER BLAKE & MOORE PLLC
Attorneys for Defendants
Kenneth Schatz, Karen Shea,
Cindy Wolcott & Brenda Gooley

By: /s/ Oliver Abbott, Esq. for
Andrew C. Boxer, Esq.
24 Summer Hill Street
P.O. Box 948
Springfield, VT 05156
(802) 885-2141
acboxer@boxerblake.com

DATED at Burlington, Vermont, this 21st day of March, 2023.

JARVIS MCARTHUR & WILLIAMS
Attorneys for Plaintiffs

By: /s/ Brooks G. McArthur
Brooks G. McArthur, Esq
David J. Williams, Esq.
Gravel & Shea PC
P. O. Box 369
Burlington, VT 05402-0369
bmcarthur@gravelshea.com

DATED at Burlington, Vermont, this 21st day of March, 2023.

CLARK, WERNER, & FLYNN
Attorneys for Defendants
Amelia Harriman, Melanie D'Amico,
Edwin Dale & Erin Longchamp

By: /s/ Lisa M. Werner
Lisa M. Werner, Esq.
Susan J. Flynn, Esq.
192 College Street
Burlington, VT 05401
802-865-0088
lisawerner@cwf-pc.com
susanflynn@cwf-pc.com

DATED at Montpelier, Vermont, this 21st day of March, 2023.

THERIAULT & JOSLIN, P.C.
Attorneys for Defendant
Jay Simons

By: /s/ Wesley Lawrence
Wesley Lawrence, Esq.
141 Main Street, Ste 4
Montpelier, VT 05602
802-223-2381
wmlawrence@tjoslin.com

DATED at Woodstock, Vermont, this 21st day of March, 2023.

WOODSTOCK LAW, PC

Attorneys for Defendant

William Cathcart

By: /s/ Bonnie Badgewick
Bonnie J. Badgewick, Esq.
43 Lincoln Corners Way, Suite 103
Woodstock, Vermont 05091
802-457-2123
bbadgewick@woodstockvtlaw.com

DATED at Burlington, Vermont, this 21st day of March, 2023.

MCNEIL LEDDY & SHEAHAN

Attorneys for Defendants

Marcus Bunnell, John Dubuc &

Kevin Hatin

By: /s/ Mick Leddy
Mick Leddy, Esq.
Joe Farnham, Esq.
271 S Union St
Burlington, VT 05401
802-863-4531
mleddy@mcneilvt.com
jfarnham@mcneilvt.com

DATED at Rutland, Vermont, this 21st day of March, 2023.

RYAN SMITH & CARBINE, LTD

Attorneys for Defendants
Anthony Brice & Chris Hamlin

By: /s/ Francesca Bove
Francesca Bove, Esq.
Andrew Maass, Esq.
98 Merchants Row
P.O. Box 310
Rutland, VT 05702-0310
fmb@rsclaw.com
AHM@rsclaw.com

DATED at Burlington, Vermont, this 21st day of March, 2023.

**HEILMANN, EKMAN, COOLEY
& GAGNON, INC.**

Attorneys for Defendants
Nicholas Weiner, David Martinez,
Tim Piette, Devin Rochon &
Carol Ruggles

By: /s/ Jon Alexander
Jon Alexander, Esq.
Robin O. Cooley, Esq.
125 College Street
2nd Floor
Burlington, Vermont
05401-0216
802-864-4555
jalexander@healaw.com
rcooley@healaw.com

DATED at Burlington, Vermont, this 21st day of March, 2023.

SHEEHEY, FURLONG & BEHM P.C.

Attorneys for Defendants

Aron Steward & Bryan

Scrubb

By: /s/ Devin T. McKnight

Ian Carleton, Esq.

Sarah Heim, Esq.

30 Main Street

P.O. Box 66

Burlington, VT 05402-0066

802-864-9891

icarlton@sheeheyvt.com